

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed June 16, 2005. Claims 1-13 are presented herewith for consideration.

Currently, claims 1 – 13 are pending. Applicants respectfully request reconsideration of claims 1-13.

I. Rejection of Claims 1-13 Under 35 U.S.C. 103(a)

Claims 1 – 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,415,756 to Lee ("*Lee*") in view of U.S. Patent No. 6,651,612 to Kobayashi ("*Kobayashi*").

Applicant notes that *Kobayashi* has an earliest effective 102(e) priority date of August 7, 2002. The filing date of the foreign priority document may not be used as the effective filing date of the reference for 102(e) priority purposes. The present application claims priority under 35 U.S.C. §119(e) to a provisional application having a filing date of July 25, 2002.

Therefore, the present application has an earliest effective filing date prior to that of *Kobayashi*, and accordingly, *Kobayashi* is not prior art with respect to the present invention.

Moreover, even if *Kobayashi* were considered against the claims of the present application, applicant respectfully disagrees with the Examiner's characterization of the disclosure of *Kobayashi*. The Examiner has merely repeated the claim elements relating to the piston head supposedly found in *Kobayashi*, without in fact pointing specifically where in *Kobayashi* the recited claim elements are found. In fact, *Kobayashi* nowhere discloses, teaches or suggests:

a contoured piston head ... having a first concave section generally conforming to a shape of said valve, and a second concave section having a deeper recess than said first concave section.

Kobayashi does not disclose or suggest a first concave section generally conforming to a shape of the valve, and *Kobayashi* does not disclose or suggest a second concave section having a deeper recess than the first concave section.

Without such a disclosure, the combination of *Lee* and *Kobayashi* does not teach or suggest the claimed invention, even if *Kobayashi* were considered prior art against the present invention.

Based on the above amendments and these remarks, reconsideration of Claims 1-13 is respectfully requested.

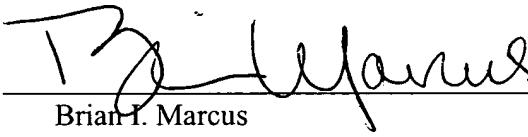
The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, December 16, 2005.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: December 16, 2005

By: 
Brian I. Marcus
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665